

AMENDED IN ASSEMBLY JUNE 2, 2015

AMENDED IN ASSEMBLY MARCH 17, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 203

Introduced by Assembly Member Obernolte

(Coauthors: Assembly Members Alejo, Bigelow, Dodd, Gallagher, Gipson, Gordon, Gray, Lackey, Levine, Mayes, Melendez, Olsen, Quirk, Waldron, Wilk, and Wood)

(Coauthors: Senators Hill, Liu, McGuire, Morrell, Nielsen, and Roth)

January 29, 2015

An act to amend Sections 4212, 4213, 4220, and 4222 of the Public Resources Code, relating to forestry and fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 203, as amended, Obernolte. State responsibility areas: fire prevention fees.

Existing law requires the state to have the primary financial responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas, as defined. Existing law requires ~~that the State Board of Forestry and Fire Protection, by September 1, 2011, to adopt emergency regulations to establish~~ a fire prevention fee in an amount not to exceed \$150 to be charged on each habitable structure on a parcel that is within a state responsibility ~~area, area~~. Existing law authorizes the State Board of Forestry and Fire Protection, on July 1, 2013, and annually thereafter, to adjust the fire prevention fee, as specified. Existing law requires the fire prevention fee to be collected annually by the State Board of Equalization, in accordance with specified

procedures, and specifies that the annual fee shall be due and payable 30 days from the date of assessment by the state board. Existing law authorizes a petition for redetermination of the fee to be filed within 30 days after service of a notice of determination, as specified.

This bill would *require the State Board of Forestry and Fire Protection, by July 1, 2016, to amend those emergency regulations to establish a fire prevention fee in an amount not to exceed \$152.33 and would authorize the board, on July 1, 2017, and annually thereafter, to adjust the fire prevention fee, as specified. The bill would extend the time when the fire prevention fee is due and payable from 30 to 60 days from the date of assessment by the State Board of Equalization and would authorize the petition for redetermination to be filed within 60 days after service of the notice of determination, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4212 of the Public Resources Code is
2 amended to read:
3 4212. (a) (1) ~~By September 1, 2011, July 1, 2016,~~ the board
4 shall ~~adopt~~ *amend the existing* emergency regulations to establish
5 a fire prevention fee for the purposes of this chapter in an amount
6 not to exceed ~~one hundred fifty dollars (\$150)~~ *one hundred fifty-two*
7 *dollars and thirty-three cents (\$152.33)* to be charged on each
8 habitable structure on a parcel that is within a state responsibility
9 area.
10 (2) The Legislature finds and declares that a fire prevention fee
11 of not more than ~~one hundred fifty dollars (\$150)~~ *one hundred*
12 *fifty-two dollars and thirty-three cents (\$152.33)* is a reasonable
13 amount for the necessary fire prevention activities of the state that
14 benefit the owner of a habitable structure within a state
15 responsibility area.
16 (b) ~~On July 1, 2013,~~ 2017, and annually thereafter, the board
17 may adjust the fire prevention ~~fees~~ *fee* imposed pursuant to this
18 chapter to reflect the percentage of change in the average annual
19 value of the Implicit Price Deflator for State and Local Government
20 Purchases of Goods and Services for the United States, as
21 calculated by the United States Department of Commerce for the

1 12-month period in the third quarter of the prior calendar year, as
2 reported by the Department of Finance.

3 (c) Emergency regulations—~~adopted~~ *amended* pursuant to
4 subdivision (a) shall be ~~adopted~~ *amended* in accordance with the
5 rulemaking provisions of the Administrative Procedure Act
6 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
7 Division 3 of Title 2 of the Government Code). The ~~adoption~~
8 *amendment* of emergency regulations shall be deemed an
9 emergency and necessary for the immediate preservation of the
10 public peace, health, and safety, or general welfare.

11 **SECTION 1.**

12 **SEC. 2.** Section 4213 of the Public Resources Code is amended
13 to read:

14 4213. (a) (1) The fire prevention fee imposed pursuant to
15 Section 4212 shall be collected annually by the State Board of
16 Equalization in accordance with the Fee Collection Procedures
17 Law (Part 30 (commencing with Section 55001) of Division 2 of
18 the Revenue and Taxation Code).

19 (2) Notwithstanding the appeal provisions in the Fee Collection
20 Procedures Law, a determination by the department that a person
21 is required to pay a fire prevention fee, or a determination by the
22 department regarding the amount of that fee, is subject to review
23 under Article 2 (commencing with Section 4220) and is not subject
24 to a petition for redetermination by the State Board of Equalization.

25 (3) (A) Notwithstanding the refund provisions in the Fee
26 Collection Procedures Law, the State Board of Equalization shall
27 not accept any claim for refund that is based on the assertion that
28 a determination by the department improperly or erroneously
29 calculated the amount of the fire prevention fee, or incorrectly
30 determined that the person is subject to that fee, unless that
31 determination has been set aside by the department or a court
32 reviewing the determination of the department.

33 (B) If the department or a reviewing court determines that a
34 person is entitled to a refund of all or part of the fire prevention
35 fee, the person shall make a claim to the State Board of
36 Equalization pursuant to Chapter 5 (commencing with Section
37 55221) of Part 30 of Division 2 of the Revenue and Taxation Code.

38 (b) The annual fire prevention fee shall be due and payable 60
39 days from the date of assessment by the State Board of
40 Equalization.

(c) On or before each January 1, the department shall annually transmit to the State Board of Equalization the appropriate name and address of each person who is liable for the fire prevention fee and the amount of the fee to be assessed, as authorized by this article, and at the same time the department shall provide to the State Board of Equalization a contact telephone number for the board to be printed on the bill to respond to questions about the fee.

(d) If in any given fiscal year there are sufficient amounts of money in the State Responsibility Area Fire Prevention Fund created pursuant to Section 4214 to finance the costs of the programs under subdivision (d) of Section 4214 for that fiscal year, the fee may not be collected that fiscal year.

~~SEC. 2.~~

SEC. 3. Section 4220 of the Public Resources Code is amended to read:

4220. A person from whom the fire prevention fee is determined to be due under this chapter may petition for a redetermination of whether this chapter applies to that person within 60 days after service upon him or her of a notice of the determination. If a petition for redetermination is not filed within the 60-day period, the amount determined to be due becomes final at the expiration of the 60-day period.

~~SEC. 3.~~

SEC. 4. Section 4222 of the Public Resources Code is amended to read:

4222. If a petition for redetermination of the application of this chapter is filed within the 60-day period, the department shall reconsider whether the fee is due and make a determination in writing. The department may eliminate the fee based on a determination that this chapter does not apply to the person who filed the petition.